IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-11-2007

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.14459 of 1999

Bhavani Agencies,
Proprietor Mr.Niranjan rep. By
Power Agent Mr.T.R.Hameed Sultan .. Petitioner.

Versus

1.The Secretary
State of Tamil Nadu
Co-operation, Food and Consumer
Protection Department
Fort St.George, Chennai 600 009.

2.The Joint Commissioner of
Civil Supplies and Consumer Protection
Chepauk, Chennai 5.

3.The Deputy Commissioner of
Civil Supplies (City South)
Chepauk, Chennai 600005.

4.The Assistant Commissioner of
Civil Supplies
T.Nagar Zone, T.Nagar, Chennai17. .. Respondents.

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of certiorari to call for the records on the file of the first respondent made in proceedings in Letter (Nilai) 49 dated 17.2.1999 and quash the impugned proceedings of the first respondent dated 17.2.1999.

For petitioner : Mr.V.Balakrishnan
For respondents : Mr.V.Manoharan
Government Advocate

O R D E R

Heard Mr.V.Balakrishnan, the learned counsel appearing for the petitioner and Mr.V.Manoharan, the learned Government Advocate appearing for the respondents.

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2.The petitioner is an Agent of the Indian Oil Corporation Ltd., holding a licence bearing Registration No.2/84-85 issued under Clause 3 of the Tamil Nadu Kerosene (Regulation of Trade Order) 1973 (herein after referred to as the Order). The petitioner is also authorised to receive and sell Government stocks by the authorised Officer in exercise of his power under Clause 7 of the Order. For the alleged violation of Clause 7(1) of the Order and conditions 4, 5 and 6 of the licence, the wholesale agency of the petitioner had been cancelled by the fourth respondent by his proceedings, dated 30.8.1991. Aggrieved by the order passed by the fourth respondent, the petitioner had filed a statutory appeal before the third respondent raising various grounds. The third respondent by his proceedings ROC.51/7308/91, dated 13.3.1992, had confirmed the order passed by the fourth respondent. Therefore, the petitioner had filed a revision before the second respondent. The second respondent by his proceedings K4/15062/92, dated 29.5.1992, had confirmed the orders passed by the third and fourth respondents. Hence, the petitioner has preferred the present writ petition.

3.It has been further submitted by the learned counsel for the petitioner that with regard to similar offences, like those alleged against the petitioner, committed by other dealers, the order of cancellation of the license have been modified to forfeiture of security deposit.

4.The learned counsel for the petitioner had also pointed out that in similar circumstances this Court had passed an order, dated 5.2.2007, in W.P.No.274 of 1999, setting aside the impugned order of the revisional authority and remitting the matter back for reconsideration permitting the petitioner to put forward his case before the Government.

5.Mr.V.Manoharan, learned Government Advocate appearing for the respondents has no objection for this Court to pass a similar order.

6.In view of the submissions made by the learned counsel appearing for the parties concerned and without going into the merits of the case, the impugned order, dated 17.2.1999 passed by the first respondent is set aside and the matter is remitted back to the first respondent for fresh consideration.

7.In the circumstances, the petitioner is permitted to place his contentions before the first respondent within a period of two weeks from today and on such representation being made, the first respondent is directed to consider and pass appropriate orders, on merits and in accordance with law, within a period of six weeks thereafter.

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The writ petition is disposed of with the above direction. No costs.

rpa

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

To

1.The Secretary
State of Tamil Nadu
Co-operation, Food and Consumer
Protection Department
Fort St.George, Chennai 600 009.

2.The Joint Commissioner of
Civil Supplies and Consumer Protection
Chepauk, Chennai 5.

3.The Deputy Commissioner of
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Chepauk, Chennai 600005.

4.The Assistant Commissioner of
Civil Supplies
T.Nagar Zone, T.Nagar, Chennai-17.

1 cc to Mr.V.Balakrishnan. Advocate, SR.69339
1 cc to Government Pleader, SR.69478

nsm (co)

dv/5.12.

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